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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,142	10/09/2003	Hisashi Ieda	40410-000020	1343
27572	7590	10/28/2005		
HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER FORD, JOHN K	
			ART UNIT 3753	PAPER NUMBER
DATE MAILED: 10/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,142

Applicant(s)

IEDA ET AL.

Examiner

John K. Ford

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/10/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) ☐ Other: ____ |

Art Unit: 3753

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7 lack any "means plus function" recitations supporting the "operated selectively" recitations and the various "control" recitations. As a courtesy to applicant these recitations are treated here as if they were claimed in proper means plus function format. Applicant is put on notice that, if applicant does not amend these claims to support the recitations regarding the intended manner of operation by proper means plus function format, then the Examiner will treat these claims consistent with MPEP 2114 and only the structure will be examined. Since the intended manner of operation seems to be the only aspect of the claimed subject matter that could be construed as inventive, applicant should weigh what the Examiner has said very carefully.

In claims 2 and 4, the "predetermined value" is not specified. By disclosure, in both the heating and cooling operations (i.e. in claims 2 and 4), the predetermined value is a positive non-zero value. See page 15, line 5 of the specification and page 17, lines 5 – 6. If the predetermined value is specified to be a positive non-zero value, then claims 2 and 4 would be allowable, if rewritten in independent form.

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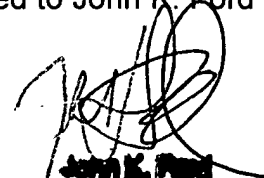
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Ieda et al (US 2002/0134540) and Tanaka et al (US 4,899,809).

Ieda, cited by applicant and applicant's own prior invention discloses all of the claimed features (which the examiner will not attempt to explain here, given applicant's obvious familiarity with the subject matter of Ieda '540) except the controller that "gradually" changes the position of the air-mix door so that the passengers do not experience discomfort associated with a sudden change in discharge temperature. Tanaka discloses a system that gradually changes the position of the air-mix door so that there are no sudden changes in the discharge temperature and thereby ensures occupant comfort. See col. 1, lines 35 - 60 of Tanaka, incorporated here by reference. To have provided Ieda with a system to gradually change the position of the air mix door to reduce the occupant discomfort associated with quick changes in temperature would have been obvious to one of ordinary skill in the art.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford
Primary Examiner